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November 5, 2009

Clerk of the Court
Washington State Court of Appeals, Div. II
950 Broadway, Ste. 300
Tacoma, WA 98402-4454

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CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

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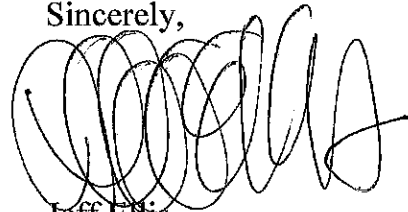
RE: In re PRP of Ernest Carter (aka Le'Taxione) ~ No. 37048-4-II

Clerk of the Court:

Pursuant to RAP 10.8 and RAP 16.10, Petitioner submits the following additional authority in support of his Personal Restraint Petition:

In re Restraint Petition of Rowland, 149 Wash. App. 496, 204 P.3d 953 (2009) (The time bar does not apply against a petitioner when there has been a change in a comparability rule affecting the petitioner's offender score. In considering a petition alleging a significant and material change in the law, we are not limited to the face of the judgment and sentence. The documents Rowland has presented show that he had a 1985 California conviction for burglary that was treated as legally comparable to a Washington burglary.)

Sincerely,



Jeff Ellis

Attorney at Law

cc: Michelle Luna Green, DPA